G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1911

(Legislation)

File No. 30 – 10

Serial Nos. 3–4

(8)

Papers Filed.

Month August 1911

SUBJECT.

Amendment of sec^n 75 of the Indian Penal Code -

PREVIOUS REFERENCES.	LATER REFERENCES.
Legis 30 of 10 / 1–2	

Cpd nacon

28/10/11

1

G.R.S. 11]

1911-12

GENERAL AND REVENUE SECRETARIAT

(Legislation

NOTES.

File No. 30-10

FILE HEADING.

Amendment of section 75 of the Indian Penal code

FROM.

The I. G. of Police in Mysore, Bangalore

2.0
No 14 Dated 31/7/11 Received 31/7/11

Diary No.	Enclos.	Spare Copies.	Serial No.
J 320			3

BRIEF ABSTRACT OF LETTER.

Requests to move Govt again to take necessary action for amending sec. 75 of the I.P.C.

NOTES AND ORDERS.

Submitted

Flag V

1) The I. G. of Police in his letter No 4905 dated 20/6/11 (Legis 30-10-1) invited 4/5 the attention of Govt to the Indian Penal Code Amendment Act, III of 1910 enabling the British

G. R. S. 12]

General and Revenue Secretariat. Legis File No. 30 of 1910-11

Serial No.	
	Indian courts to recognise previous convictions not only by the other British Indian courts but also by courts in Native States in India acting under the general or special authority of the Governor-General in council or of any Local Govt.
	D.O. A reply was sent that under the circumstances Govt. do not contemplate taking any action (vide Legis 30-10-2) as there could be
Flag V	no reciprocity between the courts in this State and the courts in the India
	The I.G. of Police has now again moved that as the courts have by the adoption of the amendment the courts in Mysore would be able to give enhanced punishments to those who have already once been convicted in British India, and that therefore it would be desireable to do so Amend (58) the Code.
	3/8/11
	SN(11) 3/8/11 2) Perhaps a draft DO refusing the I.G's further letter and pointing out that the reason given therein is based on a misapprehension of the

NOTE—Contn. sheet.

GPB—5,000-26-6-11

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 30 of 1910-11

Serial No.	
	Legis
	Legis to the B India Amending Act and ~~that Concy~~ does not therefore apply and that Consequently there is no good reason for not to amend our Code
	4/8/11 SA
	3 Submitted with a draft D.O.
	~~CB~~ (SS) 7/8/11
	4 Please make a fair Copy
	8/8/11 SA
	5 Submitted with a fair Copy of the draft.
	~~CB~~ (SS) CV (11) 11/8/11 14/8
	14/8/11 SA
	Secy 6 A reply as revised may be sent
	2nd 7 Draft approved 14/8/11 SA 18/8/11
	18/8/11 8 Issue 19/8/11

NOTE—Contn. sheet.

GPB—5,000—26-6-11

SA 19/8/11

G. R. S. 12]
General and Revenue
Secretariat.

Legis File No. 30 of 1910-11

4

Serial No.	
4	(D.O.) No J 674 dated 24/8/11
	to the I.G Police
	~~State~~ Explains that it is very unusual
	for the one State to recognise the criminal
	sentences of another State and that
	it is therefore inexpedient to amend
File V	the I.P.C. on the lines suggested &c

NOTE— Contn. sheet.

GPB—50,000—12-8-10

DIARY No. 9320

1911-10

SECTION Legislation

FILE No. 30 of 1910-11

Serial 3

Bangalore.

31st July 1911.

My dear Mr.Balasundaram Iyer,

Your D.O. No.J.3521/ Leg.30-10 dated 26th June 1911, regarding the amendment of section 75, I.P.C.

With reference to the above, kindly see my letter No.4905/415 dated 20th January 1911, in which I have not asked that the convictions in our Courts should be recognised by the Courts in British India, but on the other hand, I requested the Government

Government to amend section 75 I.P.C. so that the convic-
-tions in British Indian Courts may be recognised by the
Courts in our Province, as otherwise many an old offender
having several previous convictions given by the Courts in
British India, when prosecuted for similar offences under
Chapters XII & XVII of the Penal Code and punishable with
imprisonment for 3 years and upwards, committed within
Mysore, will escape the enhanced punishment.

I request that you will be so good as to bring this
matter once again to the notice of Government, and move
them to take necessary action for amending the section
referred to.

Yours sincerely,

3 Draft

Legs

320 / 11 & G.R.S. 261

File No. 30-10
Serial No. 4

Diary No. of letter replied to:

No. J 674

General and Revenue Secretariat

(Legs)

the *19*

To

Sir

Date of issue 24-28-11

Signed by

In reply to your D:
letter No 14 dated 31st July 1911
suggesting that section 75 of the
Indian Penal code may be
amended so as to enable the
Mysore courts to recognise
previous convictions by British
Indian courts, I am desired
to invite a reference to your
~~[illegible]~~ Official letter on
the point (letter No 4905
dt 20/1/11) and to state
415
explain
over further

SUBJECT.

that the reason therein given for the amendment proposed appears to be based on a slight misapprehension of the scope of the British Indian Amending Act. The latter does not, as supposed, authorise the courts in British India to recognise, for purposes of sec 75 of the I. P. C. convictions obtained in courts in 'Native States. It refers only to Convictions courts established under the authority of the Governor General in Council but situate within territories e.g. the Cantonments of the C & M. Station of Bangalore there seems to be therefore no good reason for amending the Indian Penal code as ~~suggested~~ here a[illegible]

Yours sincerely

Sd/-

Offg. Secretary to Govt.

4

~~In the opinion~~ that it is necessary to amend the I.P.C. in the manner suggested except on the basis of reciprocity or unless very much stronger reasons than have been urged exist.

very unusual for the ~~Court~~ Govt to recognise the Criminal sentences of another state & that it is therefore

List of enclosures.

18/8/11

Copied by

Examined by

SW (11) 14/8/11

To D. Devaraj Urs Esqr Inspector General of Police in charge Bangalore

5PB—20,000—25-9-10